

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

COREY WILFORD BROCK,

Plaintiff,

Civil No. 2:21-CV-10585

HON. VICTORIA A. ROBERTS

UNITED STATES DISTRICT JUDGE

v.

THOMPSON,

Defendant,

/

**OPINION AND ORDER DENYING AS MOOT THE MOTION FOR A
CERTIFICATE OF APPEALABILITY (ECF No. 26)**

On May 19, 2021, the Court summarily denied Plaintiff's civil rights complaint brought under 42 U.S.C. § 1983. Plaintiff filed two Notices of Appeal (ECF No. 15, 21). Plaintiff filed a motion for a certificate of appealability. (ECF No. 26).

For the reasons that follow, the Motion is DENIED AS MOOT.

A prisoner is not required to obtain a certificate of appealability before appealing the dismissal of a civil rights action brought pursuant to 42 U.S.C. § 1983. 28 U.S.C. § 2253(c)(1)(A) and F.R.A.P. 22(b) state that an appeal from the district court's denial of a writ of habeas corpus may not be taken unless a certificate of appealability (COA) is issued either by a circuit court or district court judge. Plaintiff's case was filed as a civil rights action under 42 U.S.C. § 1983, and not as a petition for writ of habeas corpus; Plaintiff does not need to obtain a certificate of appealability prior to appealing this Court's decision.

See Johnson v. CCA-Northeast Ohio Correctional Center Warden, 21 F. App'x. 330, 332 (6th Cir. 2001).

Accordingly, it is **ORDERED** that the Motion For a Certificate of Appealability (ECF No. 26) is **DENIED AS MOOT**.

s/ Victoria A. Roberts
HON. VICTORIA A. ROBERTS
United States District Judge

DATED: 7/13/2021